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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047433
Party	Plaintiff Gado S.A.R.L.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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GADO S.R.L.,	:	
Petitioner,	:	
V.	:	Cancellation No. 92047433
JAY-Y ENTERPRISE CO., INC.,	:	
Respondent.	:	
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**GADO S.R.L.’s REQUEST FOR A SUSPENSION OR, IN THE ALTERNATIVE,**  
**FOR EXTENSIONS OF TIME**

**I. INTRODUCTION**

Petitioner Gado S.r.l. ("Gado"), by its attorneys Jacobson Holman PLLC and Satterlee Stephens Burke & Burke LLP, hereby submits this request in connection with its application to cancel the registrations of “DG” (Registration No. 2582314) and “DG” (Registration No. 2663337) by respondent Jay-Y Enterprise Co, Inc. ("Respondent"). For the reasons discussed below, Gado respectfully requests that all proceedings in the present matter be suspended for sixty (60) days, subject to the request, from either party hereto, to resume proceedings at any time. In the alternative, Gado requests an extension of all discovery deadlines in this matter, such that the earliest such deadline be set for sixty (60) days from the date of the Order on the present motion, and all subsequent deadlines be adjusted correspondingly (as set forth in full below).

## **II. MORE TIME IS NEEDED DUE TO ONGOING SETTLEMENT NEGOTIATIONS**

On April 26, 2007, Gado filed a cancellation proceeding with regard to Respondent's registrations of the marks "DG" (Registration No. 2582314) and "DG" (Registration No. 2663337), on the basis of the marks causing confusion with and diluting Gado's marks D&G (Registration No. 3108433), D&G DOLCE & GABBANA (Registration No. 2096500), and DOLCE & GABBANA (Registration No. 1742622). Gado and its predecessors in interest and licensees are engaged in the sale and distribution of sunglasses and related goods in connection with the trademarks D&G, D&G DOLCE & GABBANA and DOLCE & GABBANA. Gado has alleged that Respondent's use of the "DG" trademarks in connection with "sunglasses, optical frames and reading glasses" causes, or is likely to cause, confusion regarding the source of Gado's goods. Moreover, Gado has alleged that Respondent's use of the "DG" trademarks dilutes Gado's trademarks.

Following a period of discovery, the parties have engaged in, and continue to engage in, good faith negotiations that seemed likely to result in settlement. Indeed, yesterday Gado forwarded to Respondent the most recent draft of a Settlement Agreement that addressed issues raised by Respondent with regard to the prior draft.

Previously, the parties agreed to extensions of time and a suspension of the proceedings but recently Respondent declined to agree to further extensions to give time to complete negotiations, despite the fact that the parties continue to operate in good faith to resolve the dispute and negotiate settlement. So that such negotiations may continue and taking into account delays caused by Gado's location overseas and additional counsel in Italy, Gado hereby respectfully requests the suspension of this proceeding for sixty

(60) days subject to the request, from either party hereto, to resume proceedings at any time.

In the event that a suspension is not granted, Gado respectfully requests, in the alternative, the 60-day adjournment of all deadlines as follows:

- Thirty-day testimony period for the party in position of plaintiff would close sixty (60) days from the date of the Order on the present motion, or on \_\_\_\_\_;
- Thirty-day testimony period for the party in position of defendant would close thirty (30) days later, or on \_\_\_\_\_;
- Fifteen-day rebuttal testimony period would close fifteen (15) days later, or on \_\_\_\_\_.

The reason for this request is that there has been insufficient time for Gado to review evidence in the possession of Jay-Y in light of the ongoing settlement negotiations.

### **III. CONCLUSION**

For the foregoing reasons, Gado respectfully submits that the motion for a suspension, or in the alternative for an extension of the upcoming deadlines.

Dated: December 4, 2008

Respectfully submitted,

Gado S.R.L.

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CERTIFICATE OF SERVICE

Date of Deposit: December 4, 2008

I, Mark Lerner, hereby certify that the forgoing Request For A Suspension  
Or, In The Alternative, For Extensions Of Time was served on Respondent Jay-Y  
Enterprise Co., Inc. by depositing a true and correct copy with the United States Postal  
Service as First Class Mail, postage prepaid, in envelopes addressed to:

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\_\_\_\_\_  
/s/ Mark Lerner  
Mark Lerner